

## **§ 792.207**

may help to increase the Federal participation rates where there is a regulatory requirement that at least 50 percent of the children enrolled have parents or guardians who are Federal employees.

### **§ 792.207 Which agency funds can be used for the purpose of this law?**

You are permitted to use appropriated funds, including revolving funds, that are otherwise available to the agency for salaries and expenses.

[66 FR 705, Jan. 4, 2001]

### **§ 792.208 Are agencies required to participate in this program?**

Agencies are not required to participate in this program. The decision to participate is left to the discretion of the agency. If an agency chooses to participate, it may not use funds other than those specified in § 792.207.

### **§ 792.209 How can agencies take advantage of this new law and when does this law become effective?**

The law became effective as of September 29, 1999. Agencies are permitted to obligate funds beginning on March 14, 2000. Agencies can take advantage of this new law by notifying Congress and OPM of their intent.

### **§ 792.210 What is the definition of Executive agency?**

The term *Executive agency* is defined by section 105 of title 5, United States Code, but does not include the General Accounting Office.

### **§ 792.211 What is the definition of tuition assistance program?**

The term *tuition assistance program*, for the purposes of this subpart, means the program that results from the expenditure of agency funds to assist lower income Federal employees with child care costs, including, but not limited to, such activities as: determining which employees receive a subsidy, and the size of the subsidy each employee receives; distributing agency funds to participating providers; and tracking and reporting to OPM information such as total cost and employee utilization of the program.

## **5 CFR Ch. I (1–1–02 Edition)**

### **§ 792.212 What is the definition of civilian employee?**

The term *civilian employee*, for the purposes of this subpart, means all appointive positions in an Executive agency.

### **§ 792.213 What is the definition of a Federally sponsored child care center?**

The term *Federally sponsored child care center*, for the purposes of this subpart, is a child care center that is located in a building or space that is owned or leased by the Federal government.

### **§ 792.214 What is the definition of contractor?**

Sec. 643 of Public Law 106–58 says that child care services provided by contract are covered by this provision. The term *contractor* applies to an organization or individual who provides child care services for which Federal families are eligible. Child care *providers* that may provide services under contract include center-based child care and family child care homes. The term *provider* is typically used to denote contractor in the child care industry. For the purposes of this subpart, the term *provider* is used to denote both center-based child care and family child care homes.

### **§ 792.215 What is the definition of a child?**

For the purposes of this subpart, a *child* is considered to be:

- (a) A biological child who lives with the Federal employee;
- (b) An adopted child;
- (c) A stepchild;
- (d) A foster child;
- (e) A child for whom a judicial determination of support has been obtained; or
- (f) A child to whose support the Federal employee who is a parent or legal guardian makes regular and substantial contributions.

### **§ 792.216 What children are eligible for this subsidy?**

The law covers the children of Federal employees, excluding contract employees, from birth through age 13 and disabled children through age 18.